

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: January 21, 2004
)	
The Honorable Robert R. Rigsby)	DOCKET NO.: 03F-185
Corporation Counsel (Former))	
Office of the Corporation Counsel)	
2313 Peggy Lane)	
Silver Spring, Maryland 20910)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to D.C. Official Code § 1-1106.02 (2001 Edition), The Honorable Robert R. Rigsby, Corporation Counsel (Former), Office of the Corporation Counsel, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code § 1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 11, 2003, OCF ordered The Honorable Robert R. Rigsby (hereinafter respondent), to appear at a scheduled hearing on August 25, 2003 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement (FDS) for calendar year 2002, on or before June 19, 2003.

On August 18, 2003, the Honorable Judge Rigsby filed an affidavit with OCF stating that on July 26, 2002 he was confirmed as an Associate Judge for the District of

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Columbia Superior Court. Respondent stated that on August 2, 2002, he resigned his position as the District of Columbia Corporation Counsel. Respondent further stated that on June 2, 2003, he filed a Financial Disclosure Statement with the District of Columbia Commission on Judicial Disabilities and Tenure pursuant to D.C. Official Code §11-1530, which he believed satisfied his obligation to file with OCF. On August 20, 2003, respondent filed a fully executed Financial Disclosure Statement with OCF.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent timely filed Financial Disclosure Statements with OCF in 2002, 2001 and 2000 for calendar years 2001, 2000 and 1999.
2. On July 26, 2002, respondent was confirmed as an Associate Judge for the District of Columbia Superior Court.
3. Prior to his confirmation as an Associate Judge, respondent was required to file a financial disclosure statement with the District of Columbia Commission on Judicial Disabilities and Tenure.
4. Respondent filed with the District of Columbia Commission on Judicial Disabilities and Tenure on June 2, 2003.
5. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
6. Respondent resigned his position as Corporation Counsel in August 2002.
7. Respondent filed the required Financial Disclosure Statement with OCF on August 20, 2003.
8. Respondent has no history of prior filing delinquencies.
9. Respondent's explanation for the filing delinquency is credible in that he believed the filing of a financial disclosure report pursuant to laws specifically pertaining to judges in the District of Columbia satisfied his obligation to file OCF's Financial Disclosure Statement.
10. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. Respondent filed a Financial Disclosure Statement pursuant to D.C. Official Code §11-1530 as required of each judge of the District of Columbia courts, which is not in the purview of the Office of Campaign Finance.
5. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
6. Respondent's explanation for failing to timely file, coupled with his history of timely filing, constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this Order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.